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Compliance with Americans with Disabilities Act Regulations Additions and Alterations

In 1992 the Kansas Legislature adopted K.S.A. 58-1304 which requires city building inspectors to enforce the following federal regulations: Non-discrimination in state and local government services, 28 CFR Part 35, and nondiscrimination on the basis of disability by public accommodation and commercial facilities, 28 CFR Part 36, as required by the Americans with Disabilities Act of 1990, 42 USCA 12101 et seq., enacted on July 26, 1990.

The state law requires that all new construction and alterations be done in conformance with the federal regulations, including the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities that are adopted by the regulations (Appendix A to 28 CFR Part 36). The effective date of the state law was July 1, 1992.

ADAAG section 4.1.6(2) requires that any alterations which affect or could affect the usability of or access to an area containing a primary function shall be made to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones and drinking fountains serving the altered area are readily accessible to and useable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope. The Department of Justice (DOJ) has defined "disproportionality" in the DOJ rules (section 36.403) as costing more than 20% of the cost of the alteration. Bare in mind, the key phrase is "cost of the alteration". If ancillary work is done at the time of the alteration such as roof repair, mechanical equipment replacement that is not necessary to facilitate the alteration, or new cosmetic finishes in unaltered areas, these dollars are not required to be counted against the cost of the alteration.

ADAAG section 4.1.5 requires that when additions affect or could affect the usability of an area containing a primary function then the provisions of section 4.1.6(2) will apply. In other words, ADAAG requires that all new building additions must be fully compliant with the guidelines and that if the general public (non-employees) has access to any portions of the existing building the same requirements as alterations would apply. For example, the addition of a warehouse to an existing manufacturing building would require that accessibility improvements would need to be addressed in the office area if vendors or customers had access to that area.

Finally, DOJ rules state that alteration/addition expenditures are cumulative with regard to implementing ADA improvements. The total of all permit-valuation dollars spent within the previous three years of the most current alteration/addition project are subject to the 20% rule until full compliance with the ADAAG is achieved.

In order for us to determine compliance with these requirements, the following information must be provided. If the facility is completely compliant or is exempt from ADAAG requirements, or the proposed work will not effect a primary function area, enter zero on line B.

Part I to be completed by designer

A. Total approximate cost of proposed alterations and/or additions that will effect any primary function area

\$ _____

B. Total amount that must be allocated for ADA improvements (20% of line A.)

\$ _____

Itemized deficiencies and estimated cost of correction (circle all that apply)

1. Exterior

- a) Access to public way \$ _____
- b) Parking/unloading \$ _____
- c) Curb ramps/sidewalks \$ _____
- d) Ramps/ landings \$ _____
- e) Edge protection/guardrails/handrails \$ _____

2. Entry

- a) Door swing/maneuvering/hardware \$ _____
- b) Floor level/covering \$ _____

3. Restrooms

- a) Door swing/maneuvering/hardware \$ _____
- b) Turning circle or T turn \$ _____
- c) fixture clear floor space \$ _____
- d) Fixtures type/location \$ _____
- e) Grab bars/dispensers/mirrors \$ _____

4. Other

- a) Drinking fountains \$ _____
- b) Telephones \$ _____
- c) Other (Please specify) _____ \$ _____

The purpose of this form is to expedite the plan review process. Our staff will be conducting site visits during their plan review to confirm the extent of compliance as identified in this form. If this form is not accurately completed and you are required to furnish estimates for needed improvements that were not identified, the review process will be delayed. Once all of the needed improvements and their estimated costs have been identified, it is our goal to help the designer and the owner determine the most reasonable place to invest the designated funds and make the improvements required to come into compliance with State and Federal regulations.

Architect's Signature

Date

Project Address and Name